

JPW

ASA-481-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

N. HASEGAWA et al.

Serial No. 10/777,060

Group Art Unit: 1756

Filed: February 13, 2004

Examiner: S.D. ROSASCO

For: PHOTOMASK AND PATTERN  
FORMING METHOD EMPLOYING  
THE SAME

**REQUEST FOR WITHDRAWAL OF INDICATION  
THAT TERMINAL DISCLAIMER HAS BEEN FILED**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 10, 2006

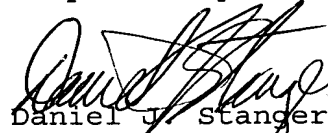
Sir:

On January 27, 2006, the Applicants filed a Reply to the Office Action mailed August 11, 2005, rejecting the claims under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-26 of U.S. Patent No. 6,660,438. In the Reply, the Applicants noted that a Statutory Disclaimer under 37 CFR 1.321(a) was submitted to disclaim Claims 1-26 of the '438 patent and thus requested withdrawal of double patenting rejection in the instant application, without admitting to the propriety of the double-patenting rejection.

With the Reply the Applicants submitted a copy of the Statutory Disclaimer filed for the '438 patent. However, it appears that the Statutory Disclaimer was inadvertently entered as a Terminal Disclaimer for the present application, which was not requested and is not warranted. Accordingly, the Applicants request withdrawal of the indication that a Terminal Disclaimer has been filed in the present application so that it may issue with a rights term beginning on the date on which the patent issues and ending twenty years from the date on which the earliest parent application was filed, as modified by any extension or adjustment granted to the Applicants.

Although no fees are believed to be due in conjunction with this Request, any such fee may be charged to Deposit Account No. 50-1417 (Attorney Docket No. ASA-481-10).

Respectfully submitted,

  
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